

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86181063
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (no change)	
EVIDENCE SECTION	
DESCRIPTION OF EVIDENCE FILE	1) Amendment To Allege Use: An amendment to allege use has been concurrently filed; 2) Nondescriptive: The thrust of Applicant's argument is not merely that TOWERMILL is a single word. The thrust of Applicant's argument is that also, even if the unitary mark TOWERMILL is broken up into "tower" and "mill," a "tower mill" has a specific meaning, which is a wooden or brick structure with a windmill on top. Applicant is not making such a device. Applicant makes its energy units to go on a tower that is typically metal. The ID has been revised accordingly. "Tower mill" describes a stone or brick tower with a wooden structure on it. That is not descriptive of Applicant's product being sold under the mark. Applicant will not sell a wooden structure for a stone or brick tower. Therefore, the mark is believed to be only suggestive of Applicant's goods or a feature thereof. Applicant has disclaimed the individual words TOWER and MILL. 3) Applicant has also offered to amend to the supplemental register, which Applicant would withdraw as unnecessary if the descriptiveness rejection has been overcome.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	007
DESCRIPTION	
Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; Electrical and electronic apparatus and	

equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast

**FILING BASIS**

Section 1(b)

**GOODS AND/OR SERVICES SECTION (proposed)**
**INTERNATIONAL CLASS**

007

**TRACKED TEXT DESCRIPTION**

Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; ~~Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street

light poles, large masted devices, or a mast excluding a wooden or brick structure; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure

#### **FINAL DESCRIPTION**

Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a

wooden or brick structure; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure

**FILING BASIS**

Section 1(b)

**ADDITIONAL STATEMENTS SECTION****DISCLAIMER**

No claim is made to the exclusive right to use TOWER or MILL apart from the mark as shown.

**SUPPLEMENTAL REGISTER**

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

**MISCELLANEOUS STATEMENT**

A Notice of Appeal is being concurrently filed herewith

**SIGNATURE SECTION****RESPONSE SIGNATURE**

/David L. Hoffman/

**SIGNATORY'S NAME**

David L. Hoffman

**SIGNATORY'S POSITION**

Attorney of record, CA bar member

**SIGNATORY'S PHONE NUMBER**

661-775-0300

**DATE SIGNED**

06/11/2015

**AUTHORIZED SIGNATORY**

YES

**CONCURRENT APPEAL NOTICE FILED**

YES

**FILING INFORMATION SECTION****SUBMIT DATE**

Thu Jun 11 16:02:09 EDT 2015

**TEAS STAMP**

USPTO/RFR-24.199.8.170-20  
150611160209783842-861810  
63-53056741a3fd887f25faf8  
8ac5579f7d2865489bc51b58d  
75c34852fe6daf849e7-N/A-N  
/A-20150611154648769167

## To the Commissioner for Trademarks:

Application serial no. **86181063** has been amended as follows:

### EVIDENCE

Evidence in the nature of 1) Amendment To Allege Use: An amendment to allege use has been concurrently filed; 2) Nondescriptive: The thrust of Applicant's argument is not merely that TOWERMILL is a single word. The thrust of Applicant's argument is that also, even if the unitary mark TOWERMILL is broken up into "tower" and "mill," a "tower mill" has a specific meaning, which is a wooden or brick structure with a windmill on top. Applicant is not making such a device. Applicant makes its energy units to go on a tower that is typically metal. The ID has been revised accordingly. "Tower mill" describes a stone or brick tower with a wooden structure on it. That is not descriptive of Applicant's product being sold under the mark. Applicant will not sell a wooden structure for a stone or brick tower. Therefore, the mark is believed to be only suggestive of Applicant's goods or a feature thereof. Applicant has disclaimed the individual words TOWER and MILL. 3) Applicant has also offered to amend to the supplemental register, which Applicant would withdraw as unnecessary if the descriptiveness rejection has been overcome. has been attached.

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 007 for Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:**

**Tracked Text Description:** Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; ~~Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; ~~and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast;~~ and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure

Class 007 for Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources; Wind-powered electricity generators; Solar-powered electricity generators; Windmills; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit, and portable wind-powered electricity generators also including a solar thermal collector sold as a unit; Electrical and electronic apparatus and equipment all for use in generating energy obtained from alternative energy sources for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Wind-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Solar-powered electricity generators for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Windmills for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Hybrid solar and wind energy generating devices, namely, wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; Modular alternative energy generating devices, namely, portable wind turbines, modular vertical axis wind turbines, portable solar-powered electricity generators, modular solar-powered electricity generators, modular wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure; and portable wind-powered electricity generators also including a solar thermal collector sold as a unit for use on a tower, telephone tower, antenna tower, communications tower, navigation tower, street light poles, large masted devices, or a mast excluding a wooden or brick structure

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

## **ADDITIONAL STATEMENTS**

### **Disclaimer**

No claim is made to the exclusive right to use TOWER or MILL apart from the mark as shown.

### **Supplemental Register**

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register'). NOTE: The applicant has separately filed an Allegation of Use, to change the basis of this application from Section 1(b), intent-to-use, to Section 1(a), use in commerce.

### **Miscellaneous Statement**

A Notice of Appeal is being concurrently filed herewith

## **SIGNATURE(S)**

**Request for Reconsideration Signature**



Signature: /David L. Hoffman/ Date: 06/11/2015  
Signatory's Name: David L. Hoffman  
Signatory's Position: Attorney of record, CA bar member

Signatory's Phone Number: 661-775-0300

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86181063  
Internet Transmission Date: Thu Jun 11 16:02:09 EDT 2015  
TEAS Stamp: USPTO/RFR-24.199.8.170-20150611160209783  
842-86181063-53056741a3fd887f25faf88ac55  
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N/A-N/A-20150611154648769167